



STATE OF INDIANA

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December 18, 2017

Amy Steketee Fox
Faegre Baker Daniels
110 W. Berry Street, Suite 2400
Fort Wayne, Indiana 46802

Re: Informal Inquiry 17-INF-17; Reasonable Particularity; Email

Dear Ms. Fox:

This informal opinion is in response to your inquiry regarding what constitutes a reasonably particular request for email records under the Access to Public Records Act ("APRA"). Specifically, you have raised three issues in your informal inquiry to this office:

1. Whether the request must include a particular subject matter. It is our position that without a particular subject matter, the identified search terms (i.e., "basketball," or "Mark," or "Johnson," or "Derrick," or "coach") lack reasonable particularity.
2. Whether the number of lanes of communication lacks reasonable particularity. As I noted, the requestor has sought email traffic between 14 different people (and identified a total of 66 different combinations).
3. Whether the time frame (i.e., between June 27, 2016 and June 27, 2017) lacks reasonable particularity.

I will now address each issue in turn.

DISCUSSION

The Access to Public Records Act

1. Whether a request for emails must include a particular subject matter

In most cases, this Office interprets the definition of *reasonable particularity* referenced in Indiana Code section 5-14-3-3(a) to include an identified sender and recipient, a reasonable timeframe, and a specific subject matter or set of precise key words. These elements are largely context specific, in that the generality or accuracy of those elements may fluctuate on a case-by-case basis.

Taking key words as an example, it stands to reason that an athletic department would be in the custody of correspondence referencing the term “basketball” or “coach” amounting to a significant number of documents. That could include both men’s and women’s basketball, and any number of coaches, or any level of play, i.e., freshman teams, varsity, etc. Those terms, absent any other subject matter, would be much more universal than the “2016 freshman boy’s basketball coaching search” or something similar. It is very much context specific.

Also inherent in the reasonable particularity discussion is a standard of practicality. If first or last names are used as key words for a search parameter, it would depend on whether those names are unique or if there are several individuals captured in a search. It is often helpful for an agency if a requester gives a finite subject matter for context so that superfluous, unwanted emails are not produced.

2. Whether the number of lanes of communication lacks reasonable particularity

I have often encountered situations where an email search calls for an identified sender and recipient, then a staff directory or roster is simply offered as a substitute for particularity or specificity. This is certainly not best practice for a request.

In circumstances where a large pool of emailers are referenced, my guidance has evolved into recommending four “lanes” of communication be requested at any one time. Therefore, one identified sender and recipient would be a “lane” of communication. Requesters who are seeking a large swath of communication could ostensibly be limited to four such “lane” requests at one time. Upon satisfaction of that request for a communication channel, four more may be submitted, but they would not be stacked or submitted contemporaneously.

3. Whether a time frame of a calendar year lacks reasonable particularity.

A timeframe of a calendar year is not a de facto indication of deficient particularity, however, it is again context-specific. If many channels of communication are requested, consistent with the principles above, the requests should be limited to a six-month timeframe or less. If the channels are fewer, perhaps more than six-months is practical. An agency should exercise best judgment when determining when a strict application of the four elements is necessary and when some flexibility can be practical.

Please do not hesitate to contact me with any questions.

Best regards,



Luke H. Britt
Public Access Counselor